

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2006 1063

Abbott's Waste Oil Service, Inc.
2627 Gardena Avenue, Lot A
Signal Hill, CA 90755

CONSENT ORDER

Health and Safety Code
Section 25187

CAD 981 373 665

Respondent.

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Abbott's Waste Oil Service, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste

1.3. Inspection. The Department inspected the Site on May 11, 17 and 18, 2004.

1.4. Authorization Status. The Department authorized Respondent to transport hazardous waste (Hauler Registration Number 3220), At the time of the inspection, the Department found that the Respondent's Registration and certificate of insurance were adequate.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of

the Health and Safety Code or any permit, or requirement issued or adopted under the authority of the California Health and Safety Code.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent does not admit the violations alleged in Section 2 below. Respondent does not contest the allegations, but enters into this Consent Order in order to avoid the costs of litigation.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated the Health and Safety Code section 25250.7(a) in that on two occasions, on May 27, 2003 and January 27, 2004, Respondent intentionally contaminated used oil with brake fluid, also a hazardous waste.

2.1.2. Respondent violated the Health and Safety Code section 25160.2(b)(4)(A) in that on eleven separate occasions between August 8, 2003 and March 8, 2004, the Respondent failed to record the generator's EPA ID Number on the receipts when using the consolidated manifest procedures.

2.1.3. The Respondent violated California Code of Regulations, Title 22. Section 66263.23(b) in that on four separate occasions between May 8, 2003 and January 16, 2004, the Respondent delivered used oil mixed with a contaminated petroleum product to a hazardous waste facility that was not authorized by the Department to receive such waste.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations alleged above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$2,500.00.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment

Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 Grandview Avenue
Glendale, California 91201
and
Ramon Perez, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.4. Respondent hereby agrees to send one of its employees to the California Compliance School, Modules I through IV. Attendance of each and every module must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000 provided the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the Certificate of Satisfactory Completion as required, the penalty of \$5,000 becomes due and payable within 30 days after the 185 day period expires. The 185-day period may be extended by a Department Branch Chief upon written request from the Respondent demonstrating good cause.

5.5 If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

B. EFFECTIVE DATE

B.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5/2/06

Ronald E. Abbott

Respondent

Dated: 5/5/06

Ramon B. Perez

Department of Toxic Substances Control

TOTAL P.02

8. EFFECTIVE DATE

8.1. The effective date of this Order is the date it is signed by the Department.

Dated: 5/2/06

Arnold F. Abbott

Respondent

Dated: May 26, 2006

[Signature]

Department of Toxic Substances Control